

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PA135536/PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2004/002252	International filing date (day/month/year) 12 July 2004 (12.07.2004)	Priority date (day/month/year) 10 July 2003 (10.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KAHN, Ari			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input checked="" type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 16 January 2006 (16.01.2006)
	Authorized officer Idhir Britel Telephone No. +41 22 338 70 60

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 29 OCT 2004

WIPO PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/002252

International filing date (day/month/year)
12.07.2004

Priority date (day/month/year)
10.07.2003

International Patent Classification (IPC) or both national classification and IPC
H04M3/42, H04M15/08

Applicant
KAHN, Ari

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002252

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002252

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6,8-11,14
	No: Claims	1-5,7,12,13,15-18
Inventive step (IS)	Yes: Claims	none
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	none

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1. The following document is referred to in this communication:

D1= WO/0176299 A

D2= EP1 271 911 A

D3= EP 0 969 644 A

D4= US 5 581 607 A

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document): a method of operating a telephony service on a telephony network ("methods of operating mobile communication network and mobile telephones", "page 6, lines 21-25: telecommunications services") the method comprising:

establishing a call between a caller and a call recipient ;
receiving a command signal (page 5, lines 11-12) initiated by the (page 1, lines 15-18: "sending to the calling user a command") initiated by the network (page 3, lines 5-9: "the network is arranged to... by generating the command") during any phase in the call process (page 13, lines 13-22: "modified alert command"), the command signal comprising a data or tone (page 1, lines 28-30: "message data"); and initiating a service to the caller (page 5, lines 8-11: "activate particular submenu functions").

D1 discloses also that the caller of a mobile phone transmits a code signal to the network (see page 9, lines 18-22).

Document D2 discloses the case when the caller party initiates a reverse call setting request. Based on the caller identification and the called party number the system provides reverse call payment functionality (see paragraphs [0010], [0019], [0033], [0034]).

It is also well known in the prior art the use of call-back button of a telephone

which is used to send an indication (in case of busy for example) during the call- setup phase of the call which creates the association between the calling party and the called party and initiates the call back procedure when the called party is again available.

Therefore the subject-matter of claim 1 is not novel (Article 33(1), 33(2) PCT).

3. Furthermore, dependent **claims 2 to 18** do not appear to contain any additional features which in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of the claims is either in principle directly derivable from the disclosure of document **D1** (for **claim 2**: see page 13, lines 13-22: "simultaneously rings and autoconfigures in accordance with the menu function command"; for **claim 3**: see page 1, line 5: "mobile telephones"; for **claim 4** see: page 9, lines 18-22: "offer the Send function under the select soft key"; for **claim 5** see: page 8, lines 28-31: "automatically selecting the Write Messages submenu"; for **claim 7** see: page 9, lines 18-22: "transmitting a call signal", "Send"; for **claims 12 and 13** see: page 9, lines 18-22: "select soft key"; for **claim 15** see: page 13, lines 13-22: "alert command", "SMS message"; for **claim 16** see: page 8, lines 28-31: "automatically selecting..."; for **claims 17 and 18** see: page 7, lines 22-28: "calling line identity...", page 2, lines 30-33: "retrieve destination number") or represents simple design details which are generally known to a person skilled in the field of telecommunications, see for example **D3** (for **claim 14** see: Abstract: "a particular finger/thumb may have different functions associated...") or **D4** (for **claims 6 to 11** see figure 6: 100, column 6: page 20-35, claim 1).

Therefore the subject-matter of dependent claims 2 to 5, 7, 12, 13, 15, 16, 17, 18 is not novel (Article 33(2) PCT) and that of dependent claims 6, 8 to 11, 14 not inventive (Article 33(3) PCT).

Re item VII.

Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant background art disclosed in the documents D1 to D4 mentioned above is not mentioned in the description, nor is this document identified therein.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/002252

Re Item VIII.

The Claims 1, 2, 4, 5, 6, 8, 9, 13, 14 and 15 contain two variants or combinations which impair the clarity of the claim, especially when considering the desired scope of protection that the applicant is trying to achieve (Article 6 PCT).

Terms such as "and/or" (Claims 1, 2, 4, 5, 6, 8, 9, 13, 14, 15) result in obscuring the claim or making the claim difficult to construe (PCT Guidelines PCT/GL/ISPE/1 5.17).

The features "the call recipient is any person", "a company" or "other entity" are not technical therefore is not clear the subject-matter for which protection is sought (Article 6 PCT).